

REMARKS

Consideration of this application in light of the present amendment is respectfully requested.

The drawings have been corrected, in accordance with the examiner's request. Replacement sheets are attached, as requested by the Examiner.

Claims 1-4 and 9-12 have been rejected.

Claims 1 and 9 were objected to.

Claims 5-8 were previously canceled.

Claims 1 and 9 have been amended.

Claims 1-4 and 9-12 are pending in this application.

Claims 1 and 9, page 8 line 19, page 10 line 10, and the Summary of the specification were objected to due to formality problems. Claims 1 and 9, page 8 line 19, page 10 line 10, and the Summary have been amended in accordance with the examiner's recommendations.

Formal Matters

Claims 9-12 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

Applicants respectfully submit that these apparatus claims, and in particular claim 9 clearly recite the structural elements and their relationships in regards to a flow of communication as "system for communication between a private network and a roaming mobile terminal, said private network including a home agent for said roaming mobile terminal and a gateway through which said communication passes". As a result, each structural element is represented in a tangible form in relation to the flow of communication.

Accordingly, applicants request that this rejection be withdrawn.

35 U.S.C. §102(e)

Claims 1-4 and 9-12 have been rejected under 35 U.S.C. §102(e) as being anticipated by Leung et al. (US 7,246,373). This rejection is respectfully traversed.

Leung presents a solution where the mobility of a roaming mobile node (MN) is handled by a corporate Virtual Private Network Gateway (VPN GW), so that the secured tunnel between MN and VPN GW is not broken when the MN moves from one point of attachment to the Internet to another. In short, Leung consists in having a MN send a mobility notification to the VPN GW, which allows it to be assigned the same enterprise IP address by said VPN GW,

although MN has changed its real IP address. It is very important to note that this solution is not based on and explicitly excludes the use Mobile IP as a mobility protocol to handle the mobility of MN. Mobile IP is mentioned in the prior art section only of Leung, where it is considered as generally unable to allow for secure mobility. As a consequence, Leung invents a new mobility protocol, where some (limited) mobility functionality is provided by the VPN GW instead of the Mobile IP Home Agent.

In contrast, the solution provided by claim 1 explicitly makes Mobile IP and IPsec VPN able to work together. Specifically, intelligence is added to the Mobile IP Home Agent (so that it can notify the VPN GW about node's mobility) and IPsec VPN GW (so that it can process said notification). Being unable to use such a mechanism (due to the lack of a dedicated Home Agent entity), Leung relies on explicit mobility notifications from the mobile node itself (actually, VPN client part on the mobile node) to the VPN GW. This requires complex additional intelligence on the mobile node. On the other hand, the solution provided by applicant's invention of claim 1 simply mandates some loose security policy settings on the Mobile Node (which eventually does *not* affect the security level), without requiring to add intelligence to the MN.

Leung expresses the need for mobility message generation at VPN client side, which is not present in applicant's invention. In contrast, applicant's invention requires that a home agent be deployed, hence assuming that the MN's mobility should not be handled by the VPN GW but by a dedicated mobility entity.

Applicant's invention describes a security mechanism for dynamically updating the endpoint of an IPsec secure tunnel, based on notifications from Mobile IP, and as a result the present invention is an enabler for IPsec in a Mobile IP context, unlike the prior art.

Accordingly, applicant respectfully submits that amended claims 1 and 9 are now in a condition for allowance.

Claim 2-4 and 10-12 are dependent on claims 1 and 9, respectively, hereby incorporated by reference, and are therefore deemed allowable as well for the same reasons.

Applicant respectfully requests that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and non-obvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Customer Number 22917

Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Respectfully submitted,
Oliverau et al.

By: /Brian Mancini/
Brian M. Mancini
Attorney for Applicant(s)
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750